

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT*A Tradition of Service*

DATE: February 26, 2010

OFFICE CORRESPONDENCE

FILE NO. SH2218495

FROM: ERIC B. SMITH, COMMANDER
LEADERSHIP AND TRAINING DIVISION

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**
DEPUTY ARMANDO AREVALO # [REDACTED]
DEPUTY WILLIAM CORDERO # [REDACTED]
OPERATION SAFE STREETS BUREAU

On April 12, 2008, at approximately 1551 hours, Deputies Armando Arevalo and William Cordero shot Suspect Fernando Cortez, Jr. while trying to disarm the suspect of his revolver.

Deputies Arevalo and Cordero were [REDACTED] when Deputy Arevalo received a cellular phone call from the [REDACTED] of Suspect Cortez. Deputy Arevalo had previously provided his personal cellular phone number to the [REDACTED] as one of many store owners, as a contact number regarding any gang problems. The [REDACTED] indicated that his [REDACTED] Suspect Cortez, was inside a small market which the [REDACTED] owned, located across the street from Deputy Arevalo's [REDACTED]. The [REDACTED] informed Deputy Arevalo that his [REDACTED] Suspect Cortez, had a handgun in his possession.

Deputies Arevalo and Cordero entered the market and contacted the suspect. The deputies instructed the suspect to take a kneeling position and he complied. As the deputies tried to search the suspect, he tried to rise to his feet. As Deputy Arevalo grabbed onto Suspect Cortez' left shoulder, Suspect Cortez immediately turned around and threw several punches at Deputies Arevalo and Cordero. In an attempt to break free from Deputies Arevalo and Cordero, Suspect Cortez pulled himself backwards, and he knocked items off the shelves.

Suspect Cortez dropped his left hand into the left front pants pocket. Deputy Arevalo saw Suspect Cortez gripping onto something while pulling it out of his pocket. Deputy Arevalo yelled out to Deputy Cordero, "Gun, gun, gun!" He then told Deputy Cordero to release Suspect Cortez because he, Deputy Arevalo, was firing. When Suspect Cortez retrieved a loaded .32 caliber revolver from his left pants pocket, Deputies Arevalo and Cordero, fearing for their lives, each fired once, striking the suspect.

Suspect Cortez sustained two gunshot wounds to the upper torso. He was pronounced dead at the location. The suspect's weapon, a .32 caliber revolver, was recovered from the scene.

On February 18, 2010, the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MPP § 3-01/025.00, Use of Force; 3-01/025.30, Use of Firearms and Deadly Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards.

Concerning:

MPP § 3-01/025.00, Use of Force, MPP § 3-01/025.30, Use of Firearms and Deadly Force, and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy Armando Arevalo # [REDACTED] was reasonable and necessary and in compliance with Department policy.

MPP § 3-01/025.00, Use of Force, MPP § 3-01/025.30, Use of Firearms and Deadly Force, and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy William Cordero # [REDACTED] was reasonable and necessary and in compliance with Department policy.

MPP § 3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by all personnel in this incident were within Department Policy.



Eric B. Smith, Commander

EBS:Ylw/ylw

Table of Contents

INVESTIGATOR'S LOG

SUPERVISOR'S REPORT ON USE OF FORCE

INVESTIGATIVE SUMMARY

TRANSCRIBED INTERVIEWS

- Homicide's interview with Deputy Armando Arevalo on 04-12-08
- IAB's interview with Deputy Armando Arevalo on 05-07-09
- Homicide's interview with Deputy William Cordero on 04-12-08
- IAB's interview with Deputy William Cordero on 05-07-09

EXHIBITS

- A - Los Angeles County Sheriff's Department, Homicide case book.
- B - Diagram by Deputy Armando Arevalo depicting the scene.
- C - Deputy Armando Arevalo's Weapons Training Records.
- D - Diagram by Deputy William Cordero depicting the scene.
- E - Deputy William Cordero's Weapons Training Records.
- F - (2) CD's containing pictures of the crime scene, sketch, and Deputies Arevalo and Cordero.

MISCELLANEOUS DOCUMENTS

- Signed Admonition Forms for: Deputies Arevalo and Cordero
- Sheriff's memorandum re: District Attorney's Letter of Opinion
- Receipt for Investigative Material

Los Angeles County Sheriff's Department

Officer Involved Shooting

Page 1 of 5

Report Date: 01-15-10		Bureau/Station/Facility: OHS/OSS		Admin. Invest? <input type="checkbox"/> Hit? <input checked="" type="checkbox"/>	
Incident Information					
URN: 008-80490-2199-013		Date: 04-12-08		Time: 1753 hours	
City or Station: Los Angeles		Nature of Incident: Deputies recvd info that a male possibly armed with gun inside a store. Upon contacting suspect, he resisted, then hit both deputies with fists. When susp reached into pocket, partially removing a handgun, both deputies each fired one round at susp, killing him.			
Location: 1526 East 92nd Street "El Ranchito Market"					
Location Type (circle one or more): Backyard Beach Business Freeway Industrial Park Parking Lot Residence Rural School Street Other: _____	Lighting (circle only one): Darkness Daylight Other Street Lights	Incident Type (circle one or more): Accidental Armed Person Fleeing Suspect Foot Pursuit Gun Take Away Moving Vehicle Sniper/Ambush Startle Struggle Involved Traffic Stop Unarmed Person Unintentional Vehicle Pursuit Warrant Service Warning Shot Other: _____		Initiated by (circle only one): Arrest Warrant Call Observation One Person Unit Other Search Warrant Two Person Unit	
	Weather (circle only one): Clear Cloudy Fog Rain			Prior Activity (circle only one): Detective Inmate Transport Other Routine Patrol	
	Distance: _____				
Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect		Aero Unit? <input type="checkbox"/> Canine Unit? <input type="checkbox"/>		
Employee Witnesses					
Employee #	Last Name	First Name	M.I.	ShiftTime (circle only one): EM PM Day	ShiftType (circle only one): Regular Overtime Off Duty
Employee #	Last Name	First Name	M.I.	ShiftTime (circle only one): EM PM Day	ShiftType (circle only one): Regular Overtime Off Duty
Employee #	Last Name	First Name	M.I.	ShiftTime (circle only one): EM PM Day	ShiftType (circle only one): Regular Overtime Off Duty
Non-Employee Witnesses					
Last Name		First Name		M.I.	
Street Address		City		Zip Code	
Last Name		First Name		M.I.	
Street Address		City		Zip Code	
Last Name		First Name		M.I.	
Street Address		City		Zip Code	
Supervisors					
Employee #	Last Name	First Name	M.I.	(circle one or more): On Duty Present during shooting	
	Chavez	Ernest	E.	Witness to shooting Involved in shooting	
Employee #	Last Name	First Name	M.I.	(circle one or more): On Duty Present during shooting	
	Duerr	Timothy	J.	Witness to shooting Involved in shooting	
Watch Sergeant					
Employee #	Last Name	First Name		M.I.	
Watch Commander					
Employee #	Last Name	First Name		M.I.	
	Hebert	Kevin		E.	

PSTD Use Only	
SH #	2218495

Rollout Information

Arrival Date	04-12-08	Arrival Time	2000	Date Submitted	01-15-10	Date of Recommendation	
Employee #	[REDACTED]	Last Name	Anderson	First Name	Clay	M.I	J.
Employee #	[REDACTED]	Last Name	Grote	First Name	Dinah	M.I	L.
Employee #	[REDACTED]	Last Name	Flores	First Name	David	M.I	
Shooting / Force Information							

Shooting / Force Information

Method

(AW)	Arwen	(OV)	Other Weapon: Vehicle
(BC)	Baton:(Control)	(OB)	Other Weapon: Blunt Object
(BI)	Baton:(Impact)	(OO)	Other Weapon: Other
(BF)	Bodily Fluids	(PK)	Personal Weapon: Feet/Leg: (Kick)
(CN)	Canine	(PS)	Personal Weapon: Feet/Leg: (Sweep)
(CR)	Carotid Restraint	(PH)	Personal Weapon (Hand/Arm)
(CH)	Choke Hold	(PP)	Personal Weapon (Push)
(CT)	Control Holds:(Control Techniques)	(PO)	Personal Weapon (Other)
(TT)	Control Holds:(Team Takedown)	(RS)	Resistance
(TD)	Control Holds:(Takedown)	(CN)	Restraint Device (Capture Net)
(CE)	Chemical	(RH)	Restraint Device (Handcuffs)
(OC)	Chemical Agents (OC Spray)	(HB)	Restraint Device:Hobble (Legs Only)
(TG)	Chemical Agents (Tear Gas)	(TP)	Restraint Device:Hobble (TARP)
(EX)	Explosives	(RE)	Restraint Device: REACT Belt
(FH)	Firearm (Handgun)	(SF)	Sap
(FR)	Firearm (Rifle)	(SH)	Shield
(FS)	Firearm (Shotgun)	(SG)	37mm Stinger
(FO)	Firearm (Other)	(SB)	Sting Ball
(FB)	Flashbang	(ST)	Stun Bag
(FL)	Flashlight	(TR)	Taser
(OE)	Other Weapon: Edged	(UC)	Uncooperative

Type of Injury

(AB)	Abrasion
(BR)	Bruise
(BU)	Burn
(CP)	Complaint of Pain
(CO)	Concussion
(DH)	Death
(DI)	Dislocation
(DB)	Dog Bite
(FR)	Fractures
(GS)	Gunshot
(HB)	Human Bite
(LC)	Lacerations
(ND)	Nerve Damage
(OD)	Organ Damage
(PA)	Paralysis
(PW)	Puncture Wound
(SD)	Soft Tissue Damage
(ST)	Sprain/Twists
(UN)	Unconscious
(RM)	Refused Med Treatment
(NN)	NONE

Body Part Injured

(AD)	Abdomen
(AK)	Ankle
(AR)	Arm
(BK)	Back
(BT)	Buttocks
(CH)	Chest
(EL)	Elbow
(FA)	Face
(FE)	Feet
(FI)	Fingers
(GE)	Genitals
(GR)	Groin
(HD)	Hand
(HE)	Head
(HI)	Hip
(IN)	Internal
(KN)	Knees
(LE)	Leg
(NK)	Neck
(SH)	Shoulder
(WR)	Wrist

Brand

(AK)	AK-47	(IV)	Iver Johnson	(RI)	RGI
(BN)	Benelli	(JE)	Jennings	(RO)	Rossi
(BR)	Beretta	(LO)	Lorcin	(SW)	Smith & Wesson
(BW)	Browning	(LU)	Luger	(SR)	Sturm Ruger
(CH)	Charter Arms	(MA)	Marlin	(ST)	Sterling
(CO)	Colt	(MO)	Mossberg	(TA)	Taurus
(DA)	Davis Industries	(NC)	NCI aka SKS	(WE)	Weatherby
(GL)	Glock	(NA)	North American	(WN)	Winchester
(HA)	Harrington & Richardson	(NO)	Norinco	(US)	US Government
(HI)	Hi Standard	(RA)	Raven	(YY)	Handmade (Inmate)
(HK)	H & K	(RM)	Remington	(XX)	Homemade (Non-Inmate)
(IT)	Italice	(RG)	RG	(ZZ)	Other Brand

Caliber

(9)	9 mm	(24)	.243 caliber	(41)	.410 gauge
(10)	10 mm	(25)	.26 caliber	(44)	.44 caliber
(12)	12 gauge	(30)	.308 caliber	(45)	.45 caliber
(20)	20 gauge	(35)	.357 caliber	(50)	50 mm
(21)	.22-250	(36)	30-60 caliber	(SL)	Slug
(22)	.22 caliber	(38)	.38 caliber	(WW)	Other caliber
(23)	.223 caliber	(40)	.40 caliber		

FORCE APPLIED (one code per block)

[illegible]

Los Angeles County Sheriff's Department

Page 3 of 5[illegible]

Officer Involved Shooting Involved Employee Information

URN: 008-80490-2199-013

Page 4 of 5

Involved Employee

E 1	Employee #	Last Name Arevalo	First Name Armando	M.I. J.
Sex: M Race: H		Rank DSG	Unit Assignment OSS/GET	Work Assignment (Unit #, Module, etc.): 210G18
ShiftTime (circle only one): EM <input type="radio"/> PM <input type="radio"/> Day		ShiftType (circle only one): Regular <input type="radio"/> Overtime <input type="radio"/> Off Duty		Intoxication/Drug Usage? <input type="checkbox"/>
Hospital Admission? <input type="checkbox"/>		Hospital Name:	Coroner Case? <input type="checkbox"/>	Coroner Case # Interviewed? <input checked="" type="checkbox"/>
Hrs of sleep prior to shooting: 7		Duty Time (hrs):	Clothing (circle only one): Plain Clothes no Vest <input type="checkbox"/> Raid Jacket w/ Vest <input type="checkbox"/> Plain Clothes w/ Vest <input type="checkbox"/> Uniform no Vest <input type="checkbox"/> Raid Jacket no Vest <input type="checkbox"/> Uniform w/ Vest <input checked="" type="checkbox"/>	
Age: 5' 08"	Height: 160	Weight: 160	Other Factors:	
Range Qualification Date:		PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? <input type="checkbox"/>	Patrol Certification? <input type="checkbox"/>	Certification Unit:	Prior Shootings? <input checked="" type="checkbox"/>	Number of Prior Shootings: 1 Directed Force: <input type="checkbox"/>
Weapons Fired Brand: Beretta		Caliber 9mm	# Shots 1	Weapons Fired Brand: Beretta
Field Training Officer Emp #		Last Name	First Name	M.I.
Field Training Officer Emp #		Last Name	First Name	M.I.

E 2	Employee #	Last Name Cordero	First Name William	M.I. R.
Sex: M Race: C		Rank DSG	Unit Assignment OSS/GET	Work Assignment (Unit #, Module, etc.): 210G18
ShiftTime (circle only one): EM <input type="radio"/> PM <input type="radio"/> Day		ShiftType (circle only one): Regular <input type="radio"/> Overtime <input type="radio"/> Off Duty		Intoxication/Drug Usage? <input type="checkbox"/>
Hospital Admission? <input type="checkbox"/>		Hospital Name:	Coroner Case? <input type="checkbox"/>	Coroner Case # Interviewed? <input checked="" type="checkbox"/>
Hrs of sleep prior to shooting: 8		Duty Time (hrs):	Clothing (circle only one): Plain Clothes no Vest <input type="checkbox"/> Raid Jacket w/ Vest <input type="checkbox"/> Plain Clothes w/ Vest <input type="checkbox"/> Uniform no Vest <input type="checkbox"/> Raid Jacket no Vest <input type="checkbox"/> Uniform w/ Vest <input checked="" type="checkbox"/>	
Age: 5' 11"	Height: 180	Weight: 180	Other Factors:	
Range Qualification Date: 02-28-08		PPC Qualification Date: 03-12-07	Laser Training Date: 09-18-06	
Certified with Weapon Used? <input type="checkbox"/>	Patrol Certification? <input type="checkbox"/>	Certification Unit:	Prior Shootings? <input type="checkbox"/>	Number of Prior Shootings: <input type="checkbox"/> Directed Force: <input type="checkbox"/>
Weapons Fired Brand: Beretta		Caliber 9mm	# Shots 1	Weapons Fired Brand: Beretta
Field Training Officer Emp #		Last Name	First Name	M.I.
Field Training Officer Emp #		Last Name	First Name	M.I.

E	Employee #	Last Name	First Name	M.I.
Sex: Race:		Rank	Unit Assignment	Work Assignment (Unit #, Module, etc.):
ShiftTime (circle only one): EM <input type="radio"/> PM <input type="radio"/> Day		ShiftType (circle only one): Regular <input type="radio"/> Overtime <input type="radio"/> Off Duty		Intoxication/Drug Usage? <input type="checkbox"/>
Hospital Admission? <input type="checkbox"/>		Hospital Name:	Coroner Case? <input type="checkbox"/>	Coroner Case # Interviewed? <input type="checkbox"/>
Hrs of sleep prior to shooting:		Duty Time (hrs):	Clothing (circle only one): Plain Clothes no Vest <input type="checkbox"/> Raid Jacket w/ Vest <input type="checkbox"/> Plain Clothes w/ Vest <input type="checkbox"/> Uniform no Vest <input type="checkbox"/> Raid Jacket no Vest <input type="checkbox"/> Uniform w/ Vest <input type="checkbox"/>	
Age:	Height:	Weight:	Other Factors:	
Range Qualification Date:		PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? <input type="checkbox"/>	Patrol Certification? <input type="checkbox"/>	Certification Unit:	Prior Shootings? <input type="checkbox"/>	Number of Prior Shootings: <input type="checkbox"/> Directed Force: <input type="checkbox"/>
Weapons Fired Brand:		Caliber	# Shots	Weapons Fired Brand:
Field Training Officer Emp #		Last Name	First Name	M.I.
Field Training Officer Emp #		Last Name	First Name	M.I.

Officer Involved Shooting Suspect Information

URN: 008-80490-2199-013

Page 5 of 5

Suspect Information

S 1	Last Name: Cortez, Jr.		First Name: Fernando		M.I.
	AKA Last Name:		First Name:		M.I.
Sex: M Race: H		Street Address:		City:	State & Zip Code:
Work Phone:		Home Phone:	Social Security #:	Driver's License #:	
Age: 21 D.O.B. 10-16-86		Height: 5' 06" Weight: 120	FBI #:	CII #:	
Booking #:		Primary Charge:		Secondary Charge:	
Coroner Case? <input checked="" type="checkbox"/>		Coroner Case #:	Intoxication/Drug Usage? <input checked="" type="checkbox"/>	Substance Used: Methamphetamine, cocaine	
Armed? <input checked="" type="checkbox"/>		Apprehended? <input checked="" type="checkbox"/>	Mental Illness? <input type="checkbox"/>	Criminal History? <input type="checkbox"/>	
Vehicle Make:		Model:		Year:	

S	Last Name:		First Name:		M.I.
	AKA Last Name:		First Name:		M.I.
Sex: Race:		Street Address:		City:	State & Zip Code:
Work Phone:		Home Phone:	Social Security #:	Driver's License #:	
Age: D.O.B.		Height: Weight:	FBI #:	CII #:	
Booking #:		Primary Charge:		Secondary Charge:	
Coroner Case? <input type="checkbox"/>		Coroner Case #:	Intoxication/Drug Usage? <input type="checkbox"/>	Substance Used:	
Armed? <input type="checkbox"/>		Apprehended? <input type="checkbox"/>	Mental Illness? <input type="checkbox"/>	Criminal History? <input type="checkbox"/>	
Vehicle Make:		Model:		Year:	

S	Last Name:		First Name:		M.I.
	AKA Last Name:		First Name:		M.I.
Sex: Race:		Street Address:		City:	State & Zip Code:
Work Phone:		Home Phone:	Social Security #:	Driver's License #:	
Age: D.O.B.		Height: Weight:	FBI #:	CII #:	
Booking #:		Primary Charge:		Secondary Charge:	
Coroner Case? <input type="checkbox"/>		Coroner Case #:	Intoxication/Drug Usage? <input type="checkbox"/>	Substance Used:	
Armed? <input type="checkbox"/>		Apprehended? <input type="checkbox"/>	Mental Illness? <input type="checkbox"/>	Criminal History? <input type="checkbox"/>	
Vehicle Make:		Model:		Year:	

S	Last Name:		First Name:		M.I.
	AKA Last Name:		First Name:		M.I.
Sex: Race:		Street Address:		City:	State & Zip Code:
Work Phone:		Home Phone:	Social Security #:	Driver's License #:	
Age: D.O.B.		Height: Weight:	FBI #:	CII #:	
Booking #:		Primary Charge:		Secondary Charge:	
Coroner Case? <input type="checkbox"/>		Coroner Case #:	Intoxication/Drug Usage? <input type="checkbox"/>	Substance Used:	
Armed? <input type="checkbox"/>		Apprehended? <input type="checkbox"/>	Mental Illness? <input type="checkbox"/>	Criminal History? <input type="checkbox"/>	
Vehicle Make:		Model:		Year:	



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
JOHN SPILLANE • Chief Deputy District Attorney
CURTIS A. HAZELL • Assistant District Attorney

JANICE MAURIZI • Director

March 25, 2009

Captain David Smith
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

Re: J.S.I.D. # 08-0235
L.A.S.D. # 008-80490-2199-013

Dear Captain Smith:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the April 12, 2008, fatal shooting of Fernando Cortez, Jr., by Los Angeles County Sheriff's Department (LASD) Deputies Armando Arevalo and William Cordero. We find that Deputies Arevalo and Cordero acted lawfully in self-defense and defense of another.

The following analysis is based upon the reports submitted to this office on September 12, 2008, by Detectives Michael Valento and Todd Anderson of the LASD, Homicide Bureau. The District Attorney's Command Center was notified of this incident at 8:24 p.m. on April 12, 2008. The District Attorney Response Team, consisting of Deputy District Attorney Christian Gullon and Senior Investigator [REDACTED] was notified by the Command Center and responded immediately to the scene. They were given a briefing and a "walk-through" of the scene by investigators. Deputies Arevalo and Cordero gave voluntary statements which were reviewed and considered in our analysis.

FACTUAL ANALYSIS

On April 12, 2008, at approximately 5:51 p.m., Deputies Armando Arevalo and William Cordero were in full uniform assigned to the Century Station Gang Enforcement Detail. While contacting a pedestrian at [REDACTED] E. 92 Street in Los Angeles, Arevalo received a telephone call from [REDACTED] asked Arevalo to come to [REDACTED] market because his [REDACTED] Fernando

Cortez, Jr., was possibly under the influence of drugs, threatening his [REDACTED] and armed with a gun. He provided Arevalo with a description of what his [REDACTED] was wearing.

Arevalo and Cordero drove their patrol car across the street to the market. They entered the store and immediately noticed Fernando Cortez, Jr. standing near the end of the line of customers waiting to pay for their items. The deputies approached and asked him to turn around and kneel in order to conduct a pat down search for weapons.

Cortez, Jr., began complying by turning around and beginning to kneel. He then quickly turned and began punching the deputies. Cortez, Jr. had his right hand in a cast. The deputies began to struggle with him in the narrow aisle of the market. The deputies ordered him to stop resisting several times. Cortez, Jr. continued to strike the deputies and reached down with his left hand and opened a pocket on his left pants leg. Cortez, Jr. tried to remove a handgun from his pants leg pocket.

Arevalo saw the gun and yelled to Cordero. Arevalo believed he was about to be shot and fired one round from his department issued weapon. Cordero also believed he was about to be shot and fired one round from his weapon. Cortez, Jr. was struck once in the right arm and once in the left neck. He released the gun and fell to the floor. Cordero recovered the handgun from Cortez, Jr.'s pants leg pocket. Emergency medical personnel were called to the scene. Cortez, Jr. was pronounced dead at the scene by paramedics.

On April 14, 2008, Deputy Medical Examiner Ajay J. Panchal, M.D. of the Los Angeles County Coroner's Office conducted an autopsy on the body of Fernando Cortez, Jr. Dr. Panchal ascribed Taylor's death to a gunshot wound to the neck received on April 12, 2008. The toxicology report indicated measurable amounts of codeine, cocaine, marijuana, and methamphetamines.

CONCLUSION

According to the law in California, the use of deadly force in self-defense or in the defense of others is justifiable if the person claiming the right to use self-defense actually and reasonably believed (1) that he or she or the person who he or she was defending was in imminent danger of death or great bodily injury, and (2) that it was necessary under the circumstances to use deadly force to avoid such imminent death or great bodily injury. *California Jury Instructions --- Criminal 5.12 et. seq.*

The evidence examined in this investigation shows that Fernando Cortez, Jr., was in possession of a handgun, was not complying with the deputies' commands, and tried to draw the weapon while fighting with the deputies. Cortez's actions placed Deputies Arevalo and Cordero in reasonable fear of death and great bodily injury.

Captain Smith
March 25, 2009
Page 3 of 3

We find that the deputies' response with deadly force was reasonable under the circumstances in lawful self-defense and defense of another. Therefore, we are closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By



CHRISTIAN GULLON
Deputy District Attorney
(213) 974-3880

c: Deputy Armando Arevalo, # [REDACTED]
Deputy William Cordero # [REDACTED]